

REMARKS

Applicant respectfully requests that the Amendment and Response to Final Office Action be admitted under 37 C.F.R. 1.116. Applicant submits that this amendment presents claims in better form for consideration on appeal. Furthermore, applicant believes that consideration of this amendment could lead to favorable action that would remove one or more issues for appeal. Thus, applicant submits that there is good and sufficient reason why this amendment should be admitted now. Reconsideration of this application, as amended, is respectfully requested.

Claims 1-3 and 5-9 of the application are currently pending, and have been rejected.

The Examiner rejected claims 1-3 under 35 U.S.C. § 102(e) as being anticipated by Hikida et al. (U.S. Patent No. 6,549,195). In particular, the Examiner has stated that:

Regarding claims 1 and 2, referring to Fig. 1, Hikida teaches a touch screen display comprising a pressure tolerant display including a plurality of interference modulation elements (i.e., material LC); and a touch screen (2) directly coupled to the display (10) (col. 4, lines 29-65).

Regarding claim 3, Hikida further teaches the touch screen is a pressure sensitive touch screen (col. 5, lines 24-33).

In the Response mailed 10/3/03, the Applicant argued that Hikida disclosed a liquid crystal display device, and as such, the device of Hikida did not operate on the principle of interference.

In response to this argument, on page 4 of the Office Action, the Examiner states:

However, Hikida teaches a touch liquid crystal display device with the liquid crystal material. The liquid crystal material presents (sic) in the LCD operate on the principle of interference as it is directly touched. Therefore, it is believed that the limitations of claims 1-3, 5, and 7-9 are still met by Hikida and Nitta and the rejection is still maintained.

Applicants respectfully point out to the Examiner that the LCD does not operate on the principle of interference regardless of whether the LCD material is directly touched or not. Accordingly, the Applicant reasserts the argument that the Hikida reference fails to teach or suggest all limitations of claims 1-3. Thus, claims 1-3 are not anticipated or rendered obvious by Hikida.

The Examiner has rejected claims 5, and 7-9 under 35 U.S.C. § 103(a), as being unpatentable over Hikida in view of Nitta (U.S. Patent No. 6,275,220). Based on paragraph 5 of the Office Action, it is clear that the Examiner's reasoning in this regard is flawed since it is based on the above-identified error that the LCD device of Hikida works on the principle of interference.

Based on the foregoing, it is respectfully submitted that all pending claims are in condition for allowance, which action is earnestly solicited.

Authorization is hereby given to charge our Deposit Account 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such an extension.

Respectfully submitted,

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